

REMARKS

The Applicants respectfully requests reconsideration in view of the following remarks and amendments. Claims 1 and 11 have been amended. Claims 7 and 14 have been cancelled. No claims have been added. Accordingly, claims 1-6 and 12-13 are pending in the Application.

I Claim Rejections Under 35 USC § 102

Claims 1, 4, 7 and 10 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. No. 5,737,030 issued to Hong et al. (“Hong”).

To anticipate a claim, a single reference must disclose each element of that claim. Thus, “[t]he identical invention must be shown in as complete detail as is contained in the ... claim.” *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). Also, “[t]he elements must be arranged as required by the claim.” *See In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990) and MPEP § 2131.

In regard to the rejection of claim 1, this claim has been amended to recite “the EPG processor classifies the EPG information into higher-order and lower-order information, respectively converts them into higher-order and lower-order speech EPG information, outputs the higher-order speech EPG information to the speech output unit to reproduce it as speech, and selectively outputs the lower-order speech EPG information to the speech output unit in response to the user's request to reproduce it as speech” (emphasis added). These amendments are supported, for example, by original claim 7 and page 13, line 13 through page 14, line 5 of the Specification. The Examiner cites Figure 4, items 51 and 52 of Hong as allegedly disclosing these elements of original claim 7 which are now incorporated in claim 1. See Office Action, Page 3. The cited sections of Hong disclose multiplexing an audio source corresponding to a video stream (i.e. audio processed by item 51 of Figure 4) and an audio source corresponding to information for an electronic program guide (EPG) (i.e. audio processed by item 52 of Figure 4). See Hong, Figure 4. This multiplexed signal is in turn played through a speaker. See Id. However, the cited sections of Hong fail to disclose classifying the EPG information into higher and lower order information and playing the higher-order speech but only selectively playing the lower-order speech as recited in amended claim 1, because Hong does not discuss classifying the

EPG information into separate orders and selectively playing a designated order. Further, the Applicants have been unable to locate any sections of Hong which disclose these elements.

By classifying the EPG information into higher-order and lower-order information and selectively playing the lower-order information, the system of amended claim 1 prevents outputting an overbearing amount of information. As described in amended claim 1, the higher-order speech is always output but the lower-order speech is only output upon the user's request. For example, the high-order information associated with an EPG can be first output. If the user requests to hear more information regarding the EPG, the user selects the lower-order information for output. Accordingly, the user is not flooded with unwanted EPG content through an audio output.

By failing to disclose classifying EPG information into separate orders, Hong fails to disclose each element of amended claim 1. Therefore, amended claim 1 is not anticipated by Hong. Accordingly, the Applicants respectfully request reconsideration and withdrawal of the rejection of claim 1.

Claims 4, 7 and 10 depend from independent claim 1 and incorporate the limitations thereof. Thus, at least for the reasons discussed above in regard to independent claim 1, Hong does not teach each element of the dependent claims 4, 7 and 10. Accordingly, the Applicants respectfully request reconsideration and withdrawal of the rejection of these claims.

II. Claim Rejections Under 35 USC § 103

Claims 2-3 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Hong as applied above, and further in view of U.S. Patent Publication No. 2002/0120451 issued to Kato et al. ("Kato"). Claim 6 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Hong as applied above, and further in view of U.S. Patent No. 6,314,398 issued to Junqua et al. ("Junqua"). Claims 5, 11, and 14 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Hong. Claims 12-13 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Hong as applied above, and further in view of Kato.

To determine obviousness of a claim: (1) factual findings must be made under the factors set forth in Graham v. John Deere Co., 383 U.S. 1, 148 USPQ 459 (1966); and (2) the analysis supporting the rejection under 35 U.S.C. § 103 should be made explicit and there must be some

articulated reasoning with some rational underpinning to support the legal conclusion of obviousness. See MPEP §§ 2141(II), 2141(III), and 2142; KSR International Co. v. Teleflex Inc., 82 USPQ2d 1385, 1396; see e.g., MPEP § 2143 (providing a number of rationales which are consistent with the proper “functional approach” to the determination of obviousness as laid down in Graham).

In regard to claim 11, this claim has been amended to include analogous limitations to those of amended claim 1. These amendments are supported, for example, by original claim 14 and page 13, line 13 through page 14, line 5 of the Specification. For at least the same reasons discussed above in relation to claim 1, Hong fails to disclose these elements of amended claim 11. Thus, amended claim 11 is not obvious in view of Hong. Accordingly, the Applicants respectfully request reconsideration and withdrawal of the rejection of claim 11.

In regard to claims 2, 3, 5, 6, 8, 9, 12 and 13, these claims depend from independent claims 1 and 11, respectively, and incorporate the limitations thereof. The Examiner’s argument assumes that Hong discloses all elements of amended claims 1 and 11 which are incorporated in dependent claims 2, 3, 5, 6, 8, 9, 12 and 13. However, as discussed above, Hong does not disclose all the limitations of amended claims 1 and 11. Further, Junqua and Kato fail to cure the deficiencies of Hong. Therefore, claims 2, 3, 5, 6, 8, 9, 12 and 13 are not obvious in view of the combination of Hong, Junqua and Kato. Accordingly, the Applicants respectfully request reconsideration and withdrawal of the rejection of claims 2, 3, 5, 6, 8, 9, 12 and 13.

CONCLUSION

In view of the foregoing, it is believed that all claims now pending are now in condition for allowance and such action is earnestly solicited at the earliest possible date. If there are any additional fees due in connection with the filing of this response, please charge those fees to our Deposit Account No. 02-2666. Questions regarding this matter should be directed to the undersigned at (310) 207-3800.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR, & ZAFMAN LLP

Dated: _____

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By: _____

Eric S. Hyman, Reg. No. 30,139

1279 Oakmead Parkway
Sunnyvale, CA 94085-4040
Telephone (408) 720-8300
Facsimile (408) 720-8383

CERTIFICATE OF TRANSMISSION

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Jessica M. Huester

Date

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